

## FINAL STATEMENT OF REASONS

### 1) The Update to the Initial Statement of Reasons

There are no changes to the initial statement of reasons, which is hereby incorporated by reference, with exception to the following:

The following conditions were made available to the public during the 45-day comment period, however, the Initial Statement of Reasons failed to include them:

- Congenital Nystagmus – Involuntary repetitive eye movements that are present from birth. Nystagmus was present on the previous chart but now has a congenital element. The possible impairments are similar. Only Congenital Nystagmus is designated on the form but Nystagmus is present in the definitions for reference.
- Diplopia (uncorrectable) – Double vision from misalignment of the eyes. Diplopia was present on the previous chart but now is distinguished by an ‘uncorrectable’ element. Only uncorrectable diplopia is designated on the form but diplopia is present in the definitions for reference.
- Monovision – One eye focused for distance vision and one eye focuses for close-up vision.

The Vision Conditions and Actions Chart refers to an ADPE under the Actions Needed column of most conditions. For clarity purposes, “ADPE” stands for Area Driving Performance Evaluation. This acronym has been spelled out on page 5.1 of the Vision Guidelines.

The following conditions were inadvertently omitted from the initial guidelines and were not available to the public during the 45-day comment period. The department amended the guidelines to include the following conditions and posted them to its website for an additional 15-day comment period.

- Cerebral Palsy – Paralysis resulting from developmental defects in the brain or brain trauma at birth.
- Aphakia – A note was added to the title box of Aphakia stating “also see Cataract.”

Modifications made to the Report of Vision Examination, form DL 62 were depicted using strikeouts for deletions and underlines for additions. The form revisions were necessary due to the vision conditions that were added to the guidelines. There were no comments received relating to the form amendments.

The Driver Medical Evaluation, form DS 326 has been deleted from the regulations. This document is no longer used for vision conditions.

Five new conditions were added to the DL 62 form and the chart to provide additional conditions that may be present. The five new conditions are based on recommendations to DMV from ophthalmologists.

## **2) Imposition of Mandate on Local Agencies or School Districts**

The department's regulatory action amending Section 110.04 in Article 2.4, Chapter 1, Division 1, of Title 13, does not impose any mandate on local agencies or school districts and imposes (1) no cost or savings to any state agency, (2) no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, (3) no other discretionary cost or savings to local agencies, and (4) no cost or savings in federal funding to the state. No studies or data were relied upon to make this determination.

## **3) Summary of Comments Received and Department Response**

The proposal was noticed on February 8, 2008, and made available to the public from February 8, 2008 through March 24, 2008. No comments were received on the regulatory proposal.

During the department's review of the regulatory language, it was discovered that Cerebral Palsy, as well as a note under the condition Aphakia, were not disclosed during the initial 45-day comment period. To correct this omission, the department modified the regulatory text and incorporated the vision condition. The 15-day comment period was noticed on August 20, 2008, and made available from the public from August 20, 2008 through September 4, 2008. No comments were received on the modified regulatory text.

## **4) Determination of Alternatives**

No reasonable alternative considered by the department, or that has otherwise been identified and brought to the attention of the department, would be more effective in carrying out the purpose for which these regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed regulations. During the rulemaking process, no alternative that would lessen the adverse economic impact on small business was submitted.

## **5) Incorporation by Reference**

The following documents are incorporated by reference in Section 110.04(d).

## Final Statement of Reasons

### Driver Safety Disciplinary Guidelines: Vision Guidelines

- Vision Guidelines (Chapter 5 of Guidelines for Actions Against the Driving Privilege Based on Physical and Mental Conditions (Rev. 12/2007))

The following forms are incorporated by reference in the proposed guidelines.

- Report of Vision Examination, form DL 62 (Rev. 4/2007)
- Order of Suspension/Revocation, form DS 439FO (NEW 12/2008)

These documents are not published in the California Code of Regulations because it would be impractical and cumbersome to publish these documents in the California Code of Regulations.

These documents were made available during the public comment period on the department's internet website, in any field office, or by calling the department's toll free telephone number at (800) 777-0133. These documents were made available upon request directly from the department and will be reasonably available to the affected public from a commonly known or specified source.

#### **6) Revisions**

Non-substantive revisions were made for clarity and grammar to the guideline text prior to filing with the Secretary of State.